



# FFL NEWSLETTER

FEDERAL FIREARMS LICENSEE INFORMATION SERVICE

March 2006

In an effort to keep Federal firearms licensees (FFL) abreast of changing firearms laws and regulations, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will provide semi-annual FFL Newsletters. Previous editions of the FFL Newsletters are available on ATF's Web site (<http://www.atf.gov>).

## REVISED ATF FORM 4473 (FIREARMS TRANSACTION RECORD)

The revised version of ATF Form 4473 became effective on October 17, 2005. All previous versions of this form are now obsolete. The new forms, now printed in white, can be obtained by contacting the Distribution Center at (703) 455-7801. When requesting these forms, please specify ATF Form 4473 (5300.9) Part I Revised July 2005.

We have received questions regarding completion of the new form. The following information will serve to address these inquiries.

- **Question #11.a.** asks if the person is the actual buyer of the firearm. The answer to this question may have an entry of "N/A" only if an individual is picking up a repaired firearm for another person. **The use of "N/A" is specific to the repaired firearm situation only.** All other transactions must indicate if the person is the actual buyer of the firearm.
- **Question #11.i.** asks if the buyer is a nonimmigrant alien. If the answer to this question is "no," the following question #12 should be **left blank**, which asks if the buyer falls within any of the exceptions set forth in Important Notice 4, Exception 2. **The buyer is not required to record "N/A" for question #12.**
- **Questions #21c., 21d., and 21e.** references NICS entries. The FFL should not check the "cancelled" block to indicate a cancelled sale where the buyer has decided not to purchase the firearm. Only NICS can cancel a transaction. A transaction can be cancelled by NICS at any point during the background check. A "cancelled" transaction occurs when the FFL does not fulfill their obligation to obtain all required information such as a "yes" answer to a prohibiting question or fails to obtain documentation to establish 90-day State residency. NICS has advised that if the FFL notifies NICS that the buyer does not want to proceed with the sale, NICS will continue to process the transaction, since the buyer may change their mind and decide to purchase the firearm. NICS **will not** issue a "cancelled" transaction for those buyers who decide not to proceed with the sale.
- **Questions #33-35** requires completion by the person transferring the firearm. The following information is for **Denied/Cancelled transactions only.** The employee who completes Section B must also complete items #33-35. Another employee may record the NICS information when it is received if the employee who initially completed Section B is unavailable; however, items #33-35 would still need to be completed by the employee who initially completed Section B when the transaction was initially delayed. If the employee is away from the store, he or she must complete this section when they return to work.



Please contact your local ATF Field Office should you have further questions or require additional clarification.

### **CHILD SAFETY LOCK ACT OF 2005**

This serves to notify you that Public Law 109-92 (119 Stat. 2095), the Protection of Lawful Commerce in Arms Act, was enacted October 26, 2005. Section 5 of Public Law 109-92, cited as the Child Safety Lock Act of 2005 (CSLA), amended the Gun Control Act by adding Section 922(z) to 18 U.S.C. This new section makes it generally unlawful for "any licensed importer, manufacturer, or dealer to sell, deliver, or transfer any handgun to any person, other than another licensee, unless the transferee (buyer) is provided with a secure gun storage or safety device for that handgun." The statute provides that it becomes effective on April 24, 2006. Consistent with the requirements of the Administrative Procedure Act, ATF will publish an Interim Rule in the Federal Register regarding the new law.

As enacted, the law does not require safety devices to be provided where the handgun transfer is between FFLs. The law provides for additional exceptions. ATF will issue an Open Letter once the Interim Rule is published. "Questions and Answers" regarding the CSLA will also be posted on our Web site at

<http://www.atf.gov> clarifying certain points of the legislation. We look forward to industry members' questions and comments. For additional information, please contact the Firearms Programs Division at (202) 927-7770.

### **NEW FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE**

An updated version of the **Federal Firearms Regulations Reference Guide** ATF P 5300.4 (2005) has been completed and is available on the ATF Web site at <http://www.atf.gov>. The new Reference Guide has been printed with a white cover and will be mailed in March 2006 to each licensee. After the initial mailing, additional copies may be ordered by contacting the ATF Distribution Center at (703) 455-7801.

### **NEW ATF PROGRAM IMPACTS THE NATION'S VIOLENT CRIME RATES**

**A look into how ATF is achieving its goal of reducing violent firearms crime:**

In June 2004, ATF implemented the Violent Crime Impact Team (VCIT) program. This innovative program contributed to the first decline in homicides in 4 years. In the 15 pilot cities alone, there were 180 fewer homicides committed in 2004 as compared to 2003, which represents 46 percent of the overall decrease in homicides nationwide.

The VCIT program was designed to reduce firearms-related violent crime, particularly homicides, in urban centers across the United States. The teams target high-crime hot spots and use intelligence and state-of-the-art technologies to remove the worst of the worst offenders from our Nation's streets. This approach has been found to mitigate increases in the number of homicides and other firearms-related violent crimes witnessed in some of this Nation's at-risk neighborhoods.

An evaluation of the program following 6 months of operation revealed significant reductions of homicides in many of the geographic hot spots targeted by city officials. During the 6-month pilot period, 13 out of the 15 VCIT areas reported decreases in homicides committed with firearms. In total, VCIT areas witnessed a 17-percent decline in homicides committed with firearms, compared to the same period the previous year. In the 13 VCIT areas demonstrating success, 138 fewer homicides were committed with firearms compared to the same period the previous year, a 33-percent decline.

In the coming year, ATF looks forward to complementing the VCIT program through enhanced partnerships with FFLs. ATF will team with industry partners to help fuel the efforts toward a shared goal of safer neighborhoods.

### **IMPORTATION OF DUAL USE FIREARM BARRELS**

In recent months, ATF has published several open letters to licensed and registered importers of firearms explaining the prohibitions associated with the importation of certain firearm frames, receivers, and barrels under the Gun Control Act of 1968. The letters can be accessed at <http://www.atf.gov/firearms/openletters.htm>

In our first letter dated July 13, 2005, we advised importers that, generally, under the provisions of 18 U.S.C. 925(d)(3), ATF cannot authorize the importation of the frame, receiver, or barrel of a firearm unless the firearm itself qualifies for importation under the provisions of section 925(d)(3). Firearms prohibited from importation under section 925(d)(3) include National Firearms Act firearms, surplus military firearms, and those firearms not generally recognized to be particularly suitable for or readily adaptable to sporting purposes.

A subsequent revised letter dated August 12, 2005, was distributed to all licensees. This letter effectively extended the time to effect importation with approved permits for frames, receivers, or barrels of firearms under Title 18 U.S.C. 925(d)(3). This letter explains that importers holding ATF-approved permits may continue to use such permits through December 31, 2005. Effective January 1, 2006, these permits will be revoked.

In recognition of the fact that certain firearm barrels can be used in the assembly of both importable and nonimportable firearms, ATF published another open letter on November 22, 2005, to clarify the import status of such "dual use" barrels. This letter advises importers that ATF can approve applications for permits to import dual use barrels when such applications are supported by information that the barrels will be used by the importer to assemble firearms that would otherwise qualify for importation under section 925(d)(3). All applicants for such permits must identify in Block 10, "Specific purpose of importation" of their Form 6 application, the specific model designation of each firearm they intend to assemble from the dual use barrels. If the dual use barrels are being imported for resale to

third parties, the applicant must state in Block 10 of their Form 6 application that purchasers have been or will be advised that the barrels may only be used for assembly into certain importable models and must list the specific models for which the barrels will be sold. In either case, applicants who list a model designation not known to be sporting may be required to submit to ATF a sample for evaluation to determine if importation of the barrels will be approved.

Questions concerning the importation of dual use barrels, or the importation of firearms, firearm component parts, or ammunition in general, should be directed to the Firearms and Explosives Imports Branch at 202-927-8320.

### **RESPONSIBLE PERSONS LISTED ON THE FEDERAL FIREARMS LICENSE**

The purpose of this article is to clarify the definition of "responsible person" as recently defined by Congress, and provide examples of who may qualify as a responsible person in a firearms business for the purposes of Federal firearms law.

A "responsible person" is defined as an individual who has the power to direct the management and policies of the business entity for which the Federal firearms license is being applied.

Neither the Gun Control Act (GCA) nor its implementing regulations define the term "responsible person." However, historically the term "responsible person" was deemed to have the same definition in the firearms context as Congress has now incorporated into the Safe Explosives Act (SEA): a person who has the power to direct the management and policies of the firearms activity. Now that Congress has specifically defined the term in the explosives context, ATF will interpret the SEA definition to also apply in the firearms context.

A determination of whether an individual is a responsible person may depend on his or her ownership interest in the business, the management structure of the business, and their ability and authority to direct the management and policies of the firearms business.

Some examples of different types of business organizations include sole proprietorships, partnerships, corporations, and associations. The owner of a sole proprietorship would be a responsible person. In a partnership, each partner would be a responsible person. In a corporation or association, only the directors and officers who direct the management and policies of the corporation or association with respect to firearms would be responsible persons. In most firearms businesses, the store manager would be a responsible person. Each business entity may have a different business structure, so determining who is a responsible person must be made by referring back to the statutory definition: the individuals who direct the management and policies of the entity pertaining to firearms. It should be noted that not every individual at the management level is a responsible person for the purposes of Federal firearms laws. For example, a human resources manager who does not otherwise direct management and policies relating to firearms would not be a responsible person.

Finally, every applicant for a license or permit must designate at least one local responsible person for the business. Applications alleging there is no person in the organization responsible for the firearms business will be returned for additional information. Clearly, one or more individuals must be responsible for keeping track of inventory and records. Without denoting a responsible person on the application, a license will not be issued.

#### LICENSE RENEWAL APPLICATIONS

An application for renewal of a Federal firearms license (FFL) must be filed with the Federal Firearms Licensing Center (FFLC) every 3 years prior to the expiration of the license. It is very important to timely renew the FFL in order to avoid a lapse in the "active" status of the license. A renewal notice is generated 3 months prior to the expiration of the license. If a renewal notice is not received, you should notify the FFLC to ensure your information, including your mailing address, is accurate. If your mailing address has changed, you should immediately update this information with the FFLC. A returned renewal notice to the FFLC may result in an untimely renewal and subsequent

expiration of the license. The FFLC can be contacted at the following:

Phone: (404) 417-2750

Fax: (866) 257-2749

E-mail: [NLC@atf.gov](mailto:NLC@atf.gov)

#### REPORTING THEFT OR LOSS OF FIREARMS

ATF wants to remind FFLs that the May 2003 version of the ATF Form 3310.11, Federal Firearms Licensee Firearms Inventory Theft/Loss Report, is the most current form in use. Previous versions of the form contain incorrect mailing addresses and contact phone numbers. Any supply of old versions of the form should be discarded immediately and replaced with the May 2003 version. This form, in addition to other ATF forms, can be obtained from your local ATF office or from our Distribution Center. Contact information for your local ATF office and the Distribution Center can be obtained from the ATF Web site at (<http://www.atf.gov>). The Distribution Center can be contacted via telephone at (703) 455-7801.

#### ONLINE LEARNING THEATER AVAILABLE TO ALL FFLS

The ATF online learning theater has received positive feedback from many industry members as a training aid for employees. The online learning theater can be accessed on the ATF Web site at (<http://www.atf.gov/firearms/ffrrg/index.htm>).

The *Online Federal Firearms Regulations Reference Guide Learning Theater* is not intended to replace the FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE, but is designed for use as an interactive tool for Federal Firearms Licensees (FFLs) and others. This online training reference guide provides FFLs with assistance in complying with the Federal laws and regulations governing the manufacture, importation, and distribution of firearms. It also serves as an informational guide for anyone who has an interest in the laws and regulations relating to firearms.

This site consists of four sections:

- **The Home Section** - An introduction to the Internet site and the purpose for the [Online Federal Firearms Regulations Reference Guide Learning Theater](#).
- **WWW.ATF.GOV** - A link to ATF's Internet site, which contains the latest information on the Federal firearms laws and regulations.
- **The Learning Theater** - A series of eight animated scenarios depicting the most common transactions a typical firearms dealer may conduct.
- **The Resource Section** - A link to the **Federal Firearms Regulations Reference Guide 2005** with a list of contact information for ATF Field Offices for questions concerning Federal firearms laws, regulations, procedures, and policies.

We trust the information made available online will further enable industry access to the most updated and relevant information for ensuring business success. We encourage licensees to utilize all available tools in order to obtain the most current information and to ensure compliance with Federal laws and regulations.

Additional information on the NICS E-Check can be found at [www.nicsezcheckfbi.gov](http://www.nicsezcheckfbi.gov) or by calling 1-877-444-6427 and selecting Option 3 from the automated menu.

### QUESTIONS AND ANSWERS

#### Recordkeeping Requirements Applicable to the Acquisition and Disposition of Personal Firearms by Licensed Dealers

- Q. What recordkeeping requirements are generally applicable to the acquisition and disposition of firearms by licensed dealers?
- A. The Gun Control Act of 1968 (GCA), as amended, provides that each licensed importer, licensed manufacturer, and

licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his or her place of business for such period, and in such form, as the Attorney General may by regulations prescribe. 18 U.S.C. 923(g)(1)(A). The implementing regulations in 27 CFR Part 478, Subpart H, set forth the types of records required to be kept by licensed dealers.

With the exception of certain "low volume" licensees, who may use alternate methods, licensed dealers are required to keep a record of receipt and disposition of firearms, which is generally known as a "bound book." 27 CFR 478.125(e). Further, if the licensee plans to dispose of any personal firearms, the licensee must keep a disposition record of the personal firearms. 27 CFR 478.125(a). In addition, with limited exceptions, transfers of firearms to unlicensed purchasers must be recorded on an ATF Form 4473, and are subject to the background check requirements of the Brady law. 27 CFR 478.124(a).

Q. **Do these recordkeeping requirements apply to the sale of personal firearms?**

A. Under certain circumstances, a licensed dealer is exempt from the requirements to complete an ATF Form 4473 and to initiate a background check under the Brady law when selling a firearm from his or her personal firearms collection. 18 U.S.C. 923(c) and 27 CFR 478.125a. Transfers of personal firearms are exempt from these requirements only if the following conditions are met:

- First, the licensee must have recorded in the bound book the acquisition of the firearm.
- Second, the licensee must have recorded in the bound book, as a disposition, the transfer of the firearm from the business inventory to the

personal firearms collection or other acquisition of the personal firearm.

- Third, the licensee must have maintained the firearm as part of his or her personal firearms collection for 1 year from the date the firearm was transferred to the personal collection, as shown in the bound book.
- Finally, the licensee must record the transfer in his or her disposition records of personal firearms, in the format set forth in the regulations. This means that the licensee must record, from his or her personal collection, specified identifying information about the firearm; the date of the sale or other disposition; and the name, address, and date of birth of the transferee (or, if the transferee is a licensee, the name and business address of the transferee). In addition, the licensee shall cause any unlicensed transferee to be identified in any manner customarily used in commercial transactions (e.g., a driver's license).

**Q. Is a dealer required to enter into his or her records firearms that were acquired before he or she obtained his or her dealer's license, if he or she wishes to sell these firearms at some future date?**

The regulations provide that prior to commencing or continuing a firearms business, a licensed dealer shall inventory the firearms possessed for the business, and shall record these firearms in his or her bound book.

27 CFR 478.125(e). Accordingly, if a dealer possesses firearms that were acquired prior to obtaining his or her license, and which are possessed for the business, he or she is required to include these firearms in his or her records prior to commencing his or her business. This would include all such firearms that the dealer intended to sell at some future date.

**Q. Does it make a difference if the firearm was obtained before the dealer obtained his or her license and the dealer has no intention of selling the firearm?**

A. There is no obligation to record the acquisition of personal firearms that the dealer obtained prior to receiving his or her license, as long as he or she does not intend to sell such firearms. For example, an individual proprietor may deal in firearms from his or her licensed premises; he or she may also possess in his or her home a personal hunting weapon that he or she purchased long before becoming a dealer, and which he or she has no intention to sell. Under those circumstances, the dealer was not required to record the acquisition of the personal firearm when he or she commenced his or her firearms business.

Please note, however, that such firearms must be kept segregated from the dealer's business inventory of firearms. A presumption exists that all firearms on a dealer's business premises are for sale and accordingly must be entered in the dealer's required records. If a dealer wishes to keep personal firearms on his or her premises that are *not* intended for sale and were obtained prior to the date he or she received his or her license, he or she should segregate them from firearms held for sale and appropriately identify or tag these firearms as being "not for sale." Finally, if the dealer subsequently decides to sell any of these firearms on his or her premises, he or she must first enter them in his or her acquisition and disposition book.

**Q. How should a dealer record the sale of a personal firearm that has never been entered into his or her bound book, or that has been in his or her personal firearms collection for less than a year?**

A. If the transaction does not comply with all of the conditions set forth in section 478.125a, the firearm must be sold through the dealer's business inventory, subject to the requirements for an ATF Form 4473 and a background check under the Brady law. For example, if a dealer decides to immediately sell a personal firearm that he or she acquired prior to obtaining his or her license, but which was never entered in his or her records, he or she must record the acquisition of the firearm in his or her

bound book and sell the firearm subject to the same requirements applicable to the sale of any firearm from his or her business inventory. Similarly, if a dealer wishes to immediately sell a firearm that was transferred from the business inventory into the personal collection less than a year earlier, the firearm should be transferred back into the business inventory, and sold subject to the requirements for an ATF Form 4473 and a background check under the Brady law.

**Q. What recordkeeping requirements are applicable to the acquisition of a firearm by a licensed dealer who purchases firearms from another licensee within his or her State and does not use his or her license in the transaction, but instead fills out a Form 4473?**

**A.** A dealer who purchases a firearm from another licensee should advise the transferor licensee of his or her licensed status so that the transferor licensee's records may accurately reflect that this is a transaction between licensees. An ATF Form 4473 should not be completed for such a transaction, because this form is used only for a disposition to a nonlicensee.

Notwithstanding the above, even if a dealer acquires a firearm from a licensee by completing an ATF Form 4473, the firearm must be entered in the transferee dealer's records as an acquisition. The regulations appearing at 27 CFR 478.125(e) provide that licensed dealers are generally required to "enter into a record each receipt and disposition of firearms." Dealers must comply with this requirement by recording the acquisition of each firearm that they acquire while in possession of a license, regardless of the identity of the person from whom they acquired the firearm. This requirement applies regardless of whether the dealer intends to sell the firearm or not.

**Q. May licensed importers and licensed manufacturers sell firearms from their personal collections subject to the same conditions as licensed dealers?**

**A.** Yes.

**Q. May a dealer sell firearms from his or her personal collection in order to circumvent the requirements otherwise applicable to licensed dealers? For example, if a prospective purchaser of a firearm from the dealer's business inventory receives a "denied" response from NICS, may the dealer instead sell him or her a firearm from his or her personal inventory, without complying with the Brady law?**

**A.** No. Section 923(c) specifically provides that if a disposition "is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of such licensee's business inventory." The above example, where a dealer transfers a firearm to an individual, knowing or having reasonable cause to believe that the transferee is prohibited from receiving the firearm, would be a clear example of a willful evasion of the requirements of the GCA. Any such willful violation of the GCA would subject the dealer to revocation of his or her license, and potential criminal penalties. Further, 18 U.S.C. 922(d) makes it unlawful to sell or otherwise dispose of a firearm to a person they know or have reasonable cause to believe is prohibited. Once the licensee receives a NICS denial, the licensee has such reasonable cause.

**Q. What recordkeeping requirements are necessary for an officer of a licensed LLC or corporation to sell personal firearms? Is it necessary for a corporate officer to record personal firearms through the licensed records prior to their sale?**

**A.** There are no recordkeeping requirements for an officer of a licensed LLC or corporation selling personal firearms. Please note, however, that if a corporation itself sells a firearm, an ATF Form 4473 must be completed, the sale must be

recorded in the bound book, and a NICS check must be conducted on the transferee. This is because all firearms owned by a corporation are considered business inventory. A corporation cannot have personal firearms.

**Q. What paperwork must be completed when a corporate officer or director of a Federal firearms licensee (FFL) temporarily borrows an inventory firearm for hunting or other personal use?**

**A.** The transfer of the firearm by the FFL to the corporate officer or director for personal use unrelated to the FFL's business is a transfer by a licensee to a nonlicensee that must be handled the same way as any other disposition of a firearm from inventory. An ATF Form 4473 must be completed, the FFL must comply with the Brady law, and the firearm must be logged out of the permanent bound record as a disposition.

By way of comparison, a temporary loan of a firearm to a corporate officer, director, or employee of the FFL for purposes related to the firearms business does not require any paperwork. Custody of the firearm for business purposes, such as for display or demonstration, does not result in an FFL transfer of a firearm to another person for purposes of the Gun Control Act.

**Q. Can an FFL ship a firearm to an address that is different from the business premises address identified on the license?**

Yes. Neither the GCA nor its implementing regulations contain specific provisions, requiring that an FFL have firearms shipped to their licensed business premises when receiving firearms. To that end, an FFL may lawfully receive firearms at their mailing address, storage location, or other address where the licensee intends to ensure safe and secure receipt of the firearms.

ATF Industry Circular 74-13 outlines "Guidelines for Verifying Identity and Licensed Status of Transferee." It states, in part, that "when the shipment is to be made

to an address other than the transferee's premises as listed on his or her license or on his or her certified list, it is suggested that the transferor verify the address as being that of the transferee." Furthermore, pursuant to section 922 (b) of the GCA, it is unlawful to ship a firearm interstate to an unlicensed individual.

We encourage that FFLs verify to the best of their ability that the shipping address is a valid location where the licensee is prepared to receive and subsequently possess the firearms. In addition, if an FFL has customers that require frequent delivery of firearms to an address other than their licensed business premises, we recommend that the shipping address be placed on file with ATF's Federal Firearms Licensing Center (FFLC) as an additional mailing address.

It should be noted that any FFL receiving firearms at locations other than their licensed premises must maintain accurate records of acquisition and disposition of firearms. The acquisition of firearms must be recorded by the close of the following business day or, if commercial records are maintained, within 7 days following the acquisition (See 27 CFR 478.125(e) and (g)). In the event of an ATF compliance inspection, the FFL must make all records and firearms inventory available for inspection. In addition, if the location is used as a continuous off-site storage facility, the FFL must notify the FFLC so that the address can be placed on file.

#### **READERS NOTE**

The FFL Newsletter is published biannually. It allows us to communicate important information directly to you. We welcome your input and suggestions on what you would like to read in future newsletters. If there is specific information you would like covered, contact Firearms Industry Technical Advisor, John Badowski. Your ideas and/or suggestions can be directed to Mr. Badowski at the following:

Office: (202) 927-0075  
E-mail: [John.Badowski@atf.gov](mailto:John.Badowski@atf.gov)

## FBI/NICS NEWS

### THE ADVANTAGES OF NICS E-CHECK

The NICS E-Check enables FFLs to conduct an unassisted NICS background check for firearm transfers via the Internet. The FFLs enter the prospective firearm transferee's descriptive information directly into the NICS E-Check and initiate the transaction search process. The NICS E-Check has been available since August 19, 2002, and through September 30, 2005, it has been utilized by 2493 FFLs to conduct NICS checks. The NICS E-Check provides numerous advantages that conducting a check telephonically does not. These advantages include: the ability to print a hard copy of the background check results, the ability to check the status of pending transactions when convenient (24 hours a day); the ease of use for the speech and/or hearing impaired; and the availability in Spanish. As a result of Hurricanes Katrina and Rita, portions of Texas, Louisiana, Mississippi, and Alabama learned another valuable advantage that the NICS E-Check offers. Portions of all four States lost phone service to the NICS toll-free number necessary to conduct a firearm background check; however, they were still able to conduct business using NICS E-Check. The usage of NICS E-Check during September went up an average of 603.32 percent in those four States.

The percentage increase by State for September 2005 in comparison to September 2004 follows:

Alabama	1580%
Louisiana	889%
Mississippi	933%
Texas	105%

### NEW NICS-RELATED ITEMS ON THE ATF FORM 4473

#### Unique Personal Identification Number (UPIN):

Pursuant to Department of Justice regulations, the NICS must destroy all identifying information

on allowed transactions within 24 hours of the FFL being notified. Moreover, if a potential purchaser is denied a firearm and successfully appeals the decision, the NICS Section cannot retain a record of the appeal. If the record is not able to be updated, the purchaser continues to be denied, and if that individual appeals the decision, the documentation must be resubmitted.

For this reason, the Voluntary Appeal File (VAF) was established. This process permits lawful applicants to request that the NICS maintain information about them in the VAF to prevent future erroneous denials or extended delays of a firearm transfer.

A UPIN is assigned to each VAF applicant approved to be in the VAF. The buyer should record the UPIN in Question 9 on the ATF Form 4473 on all subsequent NICS background checks. To initiate a background check for an individual with a UPIN, FFLs should call 1-877-444-6427 and select Option 6 from the automated menu.

Note: The existence of a UPIN does not automatically ensure that a transaction will be a proceed response. A new background check will be initiated and any records that were entered after the creation of the UPIN will be researched for disqualifying information.

#### Missing Disposition Instructions (MDI):

The NICS instituted the MDI to replace the call on the third business day advising the FFL that the Brady Law did not prohibit the transfer of the firearm on the following day. Currently, when a transaction is delayed, the NICS Legal Instruments Examiner provides the date on which the firearm may be transferred under Federal law without a definitive response from the NICS Section. This date may be recorded in the space provided in Question 21c of the ATF Form 4473. Please note, the NICS Section will continue to research the transaction after the MDI date elapses.

### **FBI/NICS NEWS (cont.)**

Cancelled:

The ATF Form 4473 modification includes the addition of a "Cancelled" option as part of Questions 21c, 21d, and 21e. Transactions should not be cancelled by the FFL unless advised by the NICS Section. Reasons that the NICS Section may cancel a transaction include, but are not limited to, the following: no proof of residency shown, no 90-day proof of residency shown (aliens), and purchaser answered "yes" to any questions from 11b through 11k on the ATF Form 4473.

**NICS MILESTONE**

On November 1, 2005, at 8:29 p.m., NICS processed its 60 millionth transaction. This transaction was initiated by a Type 01 Licensee in the State of Minnesota.

**OFFICE OF ENFORCEMENT PROGRAMS AND SERVICES (EPS)**

This page reflects recent personnel changes to the Office of Enforcement Programs and Services. The following EPS managers can be contacted on issues regarding firearms and ammunition.

**Assistant Director**  
**Enforcement Programs and Services**  
Lewis Raden  
(202) 927-7940

**Deputy Assistant Director**  
**Enforcement Programs and Services**  
Audrey Stucko  
(202) 927-7940

**Chief, Firearms Programs Division**  
David H. Chipman (202) 927-7770

**Acting Deputy Chief, Firearms Programs Division**  
Cherie Knoblock (202) 927-7770

**Chief, Firearms Technology Branch**  
Sterling Nixon (304) 260-3414

**Acting Chief, Firearms Enforcement Branch**  
Hans Hummel (202) 927-7770

**Chief, International Programs Branch**  
Robert Thomas (202) 927-5560

**Acting Chief, Firearms and Explosives Services Division**  
Scott Mendoza (304) 616-4550

**Chief, National Firearms Act Branch**  
Kenneth Houchens (304) 616-4500

**Chief, Firearms and Explosives Imports Branch**  
Kevin Boydston (304) 616-4550

**Chief, Federal Firearms Licensing Center**  
Kim Irwin (404) 417-2750

**Chief, National Tracing Center Division**  
Charles Houser (800) 788-7133

**Chief, Firearms Tracing Branch**  
David Johnson (800) 788-7133

**Chief, Brady Operations Branch**  
Bernard Teyssier (304) 616-4200

**Chief, National Integrated Ballistics Identification Network (NIBIN) Branch**  
Steve Pugmire (202) 927-5660

**TO RECEIVE ATF FORMS AND PUBLICATIONS:**

**ATF Distribution Center**  
P.O. Box 5950  
Springfield, VA 22150-5950  
(703) 455-7801  
<http://www.atf.gov/dcof/index.htm>

**REPORT STOLEN FIREARMS:**  
(Monday - Friday 8:00AM - 4:30PM EST)  
(888) 930-9275  
(Evenings, Weekends and Holidays)  
(800) 800-3855

**TO OBTAIN ASSISTANCE REGARDING YOUR LICENSE:**

**ATF Firearms Licensing Center**  
PO Box 409567  
Atlanta, GA 30384-9567  
(404) 417-2750

**TO SHIP OUT-OF-BUSINESS RECORDS:**

**ATF National Tracing Center**  
244 Needy Road  
Martinsburg, WV 25405  
(800) 788-7133

**ATF Web Site:** <http://www.atf.gov>

**ADDRESSES AND TELEPHONE NUMBERS FOR ATF FIELD DIVISIONS**

**Atlanta Field Division**

2600 Century Parkway  
Suite 300  
Atlanta, GA 30345-3104  
(404) 417-2600

**Houston Field Division**

15355 Vantage Pkwy West,  
Suite 200  
Houston, TX 77032-1965  
(281) 372-2900

**Philadelphia Field Division**

US Customs House, Room 607  
2nd & Chestnut Streets  
Philadelphia, PA 19106  
(215) 717-4700

**Baltimore Field Division**

G.H. Fallon Building  
31 Hopkins Plaza, 5th Floor  
Baltimore, MD 21201-2825  
(410) 779-1700

**Kansas City Field Division**

2600 Grand Avenue  
Suite 200  
Kansas City, MO 64108  
(816) 559-0700

**Phoenix Field Division**

201 East Washington Street,  
Suite 940  
Phoenix, AZ 85004  
(602) 776-5400

**Boston Field Division**

O'Neill Federal Building  
10 Causeway Street, Room 791  
Boston, MA 02222-1047  
(617) 557-1200

**Los Angeles Field Division**

350 South Figueroa Street  
Suite 800  
Los Angeles, CA 90071  
(213) 534-2450

**San Francisco Field Division**

5601 Arnold Road  
Suite 400  
Dublin, CA 94568-7724  
(925) 479-7500

**Charlotte Field Division**

6701 Carmel Road  
Suite 200  
Charlotte, NC 28226  
(704) 716-1800

**Louisville Field Division**

600 Dr. Martin Luther King Jr. Place  
Suite 322  
Louisville, KY 40202  
(502) 753-3400

**Seattle Field Division**

Jackson Federal Building  
915 2nd Avenue, Room 790  
Seattle, WA 98174  
(206) 389-5800

**Chicago Field Division**

525 West Van Buren Street  
Suite 600  
Chicago, IL 60607  
(312) 846-7200

**Miami Field Division**

5225 NW 87th Avenue  
Suite 300  
Miami, FL 33178  
(305) 597-4800

**St. Paul Field Division**

30 East Seventh Street  
Suite 1870  
St. Paul, MN 55101  
(651) 726-0200

**Columbus Field Division**

37 West Broad Street, Suite 200  
Columbus, OH 43215  
(614) 827-8400

**Nashville Field Division**

5300 Maryland Way.,  
Suite 200  
Brentwood, TN 37027  
(615) 565-1400

**Tampa Field Division**

501 East Polk Street,  
Room 700  
Tampa, FL 33602  
(813) 202-7300

**Dallas Field Division**

1114 Commerce Street, Room 303  
Dallas, TX 75202  
(469) 227-4300

**New Orleans Field Division**

428 East Boston, Second Floor  
Covington, LA 70433  
(985) 246-7000

**Washington Field Division**

650 Massachusetts Ave NW  
Washington, DC 20226  
(202) 648-8010

**Detroit Field Division**

1155 Brewery Park Blvd.,  
Suite 300  
Detroit, MI 48207-2602  
(313) 259-8050

**New York Field Division**

241 37th Street, 3rd Floor  
Brooklyn, NY 11232  
(718) 650-4000